

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
WINSTON-SALEM DIVISION**

FEDERAL TRADE COMMISSION,  
STATE OF CALIFORNIA, STATE OF  
COLORADO, STATE OF ILLINOIS,  
STATE OF INDIANA, STATE OF IOWA,  
STATE OF MINNESOTA, STATE OF  
NEBRASKA, STATE OF OREGON,  
STATE OF TENNESSEE, STATE OF  
TEXAS, STATE OF WASHINGTON, and  
STATE OF WISCONSIN,

Plaintiffs,

v.

SYNGENTA CROP PROTECTION AG,  
SYNGENTA CORPORATION,  
SYNGENTA CROP PROTECTION, LLC,  
and CORTEVA, INC.,

Defendants.

Case No. 1:22-cv-00828-TDS-JEP

**PLAINTIFFS' MOTION TO  
COMPEL DISCOVERY OF  
DEFENDANT CORTEVA, INC.**

Pursuant to Federal Rule of Civil Procedure 37 and Local Rule 37.1, Plaintiffs move to compel Defendant Corteva, Inc. to make an appropriate production of data related to Corteva products containing active ingredients, or active ingredients themselves, that are marketed or sold as herbicides, insecticides, or nematicides. The grounds for Plaintiffs' motion are set forth in the contemporaneously filed memorandum of law in support of this motion. Undersigned counsel includes a certificate of good faith conference and attempts to resolve this matter, in compliance with Local Rule 37.1(a).

Dated: July 12, 2024

Respectfully submitted,

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## **CERTIFICATE OF CONSULTATION**

I hereby certify pursuant to Local Rule 37.1(d) that after personal consultation and diligent attempts to resolve differences the parties are unable to reach agreement on the issues subject to this motion. The parties conferred via video conference on May 29, June 5, June 20, June 26, June 27, June 28, and July 10. Participating attorneys for Plaintiffs have included Wesley Carson, Allyson Maltas, Joseph Baker, and Michael Turner. Participating attorneys for Corteva have included Ben Bauer, Max Auerbach, and Armina Manning.

On May 29, 2024, the parties discussed Corteva's objections and responses to the RFPs, and Plaintiffs sought to clarify several of those objections. On June 11, 2024, Plaintiffs sought to clarify Corteva's remaining objections. On June 20, 2024, Corteva proposed document custodians, and the parties discussed Corteva's proposal. On June 26, 2024, the parties discussed additional document custodians and Corteva's anticipated data productions. On June 27, 2024, the parties again discussed additional document custodians and anticipated data productions. On June 28, 2024, the parties discussed compromise proposals for issues other than data requests and agreed to extend the deadline to file a motion to compel to July 12, for data only. On July 10, 2024, the parties discussed compromise proposals for Corteva's data productions.

The parties also repeatedly conferred via letter and email in an effort to resolve these issues.

Dated: July 12, 2024

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